

Notice of Allowability

Application No.

10/002,802

Examiner

Quang Nguyen, Ph.D.

Applicant(s)

UHLER, MICHAEL D.

Art Unit

1633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/27/05.
2. ☒ The allowed claim(s) is/are 1,3,6-13,25,27,30-32 and 37-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Tanya A. Arenson on 9/13/05.

In the specification

On page 1, line 5, please insert immediately after the phrase "filed September 21, 2001" the following phrase - - , now US Patent 6,897,067 - - .

In the claims

Claims 1, 7, 30 and 37 have been amended as follows:

Claim 1 (Currently amended) A method of transfecting a eukaryotic cell, comprising:

a) providing:

i) a transfection complex immobilized on a surface, said complex comprising a nucleic acid and first, second, and third complexing agents, said first complexing agent comprising a ligand for a receptor, said second complexing agent comprising a DNA binding molecule, and said third complexing agent comprising a

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membrane permeable molecule, wherein said membrane permeable molecule is a cationic lipid; wherein said DNA binding molecule is covalently linked to said ligand for a receptor; and

ii) a eukaryotic cell; and

b) contacting the cell with the nucleic acid in the transfection complex under conditions such that the cell is transfected.

Claim 7 (Currently amended) The method of Claim 6, wherein the ligand is transferrin and the ~~cationic protein~~ DNA-binding molecule is polylysine.

Claim 30 (Currently amended) The transfection complex of Claim 25, wherein the ligand is transferrin and the ~~cationic protein~~ DNA-binding molecule is polylysine.

Claim 37 (Currently amended) A method of transfecting a eukaryotic cell, comprising:

a) providing:

i) a transfection complex immobilized on a surface, said complex comprising a nucleic acid and first, second, and third complexing agents, said first complexing agent comprising a ligand for a receptor, said second complexing agent comprising a DNA binding molecule, and said third complexing agent comprising a membrane permeable molecule, wherein said membrane permeable molecule is a

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cationic lipid; wherein said DNA binding molecule is covalently linked to said ligand for a receptor; and

ii) a eukaryotic cell; and

b) contacting the cell with the immobilized transfection complex on the surface under conditions such that ~~cells are~~ the cell is transfected ~~using~~ by an active transport process.

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REASONS FOR ALLOWANCE:

The following is an examiner's statement of reasons for allowance: The prior art of record does not teach or fairly suggest an immobilized transfection complex and a method of transfecting a eukaryotic cell using the same immobilized transfection complex as claimed. Accordingly, the claims are allowable over the prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang Nguyen, Ph.D., whose telephone number is (571) 272-0776.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's mentor, David Guzo, Ph.D., may be reached at (571) 272-0767, or SPE, Dave Nguyen, at (571) 272-0731.

To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1633; Central Fax No. (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Quang Nguyen, Ph.D.


DAVID GUZO
PRIMARY EXAMINER